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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Ikeda

Serial No. 09/839,262

Group Art Unit: 2171

Filed: 4-23-01

Examiner: unknown

For: **SCHEDULE MANAGEMENT SYSTEM AND SCHEDULE MANAGING METHOD**

Commissioner of Patents
Washington, D.C. 20231

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Technology Center 2100

INFORMATION DISCLOSURE STATEMENT

Sir:

Under the provisions of 37 C.F.R. 1.97 through 1.98 and pursuant to applicant's duty of disclosure under 37 C.F.R. 1.56, applicant respectfully brings the following documents, cited in a Japanese Office Action for the corresponding application and listed on the attached form PTO-1449, to the attention of the Examiner in charge of the above-identified application. Copies of the listed documents are provided herewith for the convenience of the Examiner.

This citation does not constitute an admission that the references are relevant or material to the claims. They are only cited as constituting related art of which the applicant is aware.

I hereby certify the each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of this statement.

In compliance with the requirements of 37 C.F.R. §1.98 (a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of portions of an official action by a foreign examiner in which the reference was cited. The relevance to the pending U.S. Patent application is that the reference was cited in a

foreign patent application on the same subject matter. However, no independent analysis of the reference, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith. It is respectfully requested that the listed references be considered by the Examiner and be formally made of record in the application.

Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.



Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael E. Whitham", is written over the typed name.

Michael E. Whitham
Registration No. 32,635

IDS # 5 1/8/03

Ref. 01300046AA

1. The invention relating to the following claims of the present application could easily have been invented prior to the present application by a person of ordinary skill in the field of technology pertaining to the invention, based on the invention described in the following publications, which have been in circulation in Japan or abroad prior to the present application. Therefore, in accordance with Patent Law Article 29 Section 2, a patent may not be granted.

Record (See the Reference Citation List to obtain the citation)

Claims 1-35

Citations 1-3

Remarks:

In the manufacturing sales business, supply and demand projections are extremely important. Owing to this, as a method for accumulating data, the taking of direct consumer surveys of trends for intended consumer purchases is well known (If necessary, reference may be made to Citation 1, below). Also, as an incentive for obtaining consumer cooperation, the practice of offering product discounts is nothing more than that which is appropriately accomplished by one skilled in the Art.

In Citation 2 below, reference is made to technology for extracting intended consumer behavior from consumer schedule information entered into web calendars. In addition, in Citation 3 below reference is made to technology for comparing consumer information which has been collected on the web with information relating to behavior in stores frequented by consumers.

Furthermore, as a system for directly surveying consumers in relation to trends relating to their intended purchases, using the technology referred to in Citation 2 and 3 to conjecture the construction of the invention relating to Claims 1-35 of the present application is something which could be easily accomplished by one skilled in the Art. Also, a system which accumulates and distributes personal information to tradesmen as needed is already known (if necessary reference may be made to a service performed by

Mypoints.com, "2000 Edition, Overall Image of Electronic Commerce", Vol. 2 U.S. B to C Analysis of the Foremost Business Models"; Advanced Management Corporation, 05/12/2000, pp. 92-95; Privacy Protection Issues are Deep Seated; Ref. Nikkei Computer No. 493; 04/10/2000, pp. 46-48. There is nothing exceptional recognized to the collection and distribution of individual information, and to adding a function which provides it to tradesmen as needed. Moreover, concerning the intended purchases of consumers, since it is desirable to obtain detailed information to the extent that it can be determined at a given point in time, there is nothing exceptional to construction which enables changing the information at the point in time in which the details can be determined. In addition, increasing the discount ratio to the extent that would-be purchasers would accelerate their intent is something which could be appropriately accomplished by one skilled in the Art.

2. The present application, because of the following points contained in the Specification and Drawings, does not satisfy the conditions of the stipulations of Patent Law Article 36 Item 4 No. 6.

Record

- (1) The invention relating to Claims 1-4, 11, and 12-15 cannot be understood just from the subject explained by looking only at the invention whose construction is recorded in the Claims.
- (2) The technical meaning of "products indirectly offered to consumers" is unclear.
- (3) The technical meaning of "becomes greater than stepped input" and "transmitted in greater than stepped input", referred to in Claims 4, 12, 15 and 17 is unclear.
- (4) The invention cannot be specified with just the statements "terminal input of intention information becomes greater than stepped input" and "terminal transmission of intention information transmitted in greater than stepped transmission". (Since stepped input and construction for transmission is not provided in the terminal, there is no difference between a terminal which inputs or transmits

intention information which is greater than stepped input or transmission.)

- (5) In the construction referred to in the notation in the column(s) of Claim 5, the technical meaning of the "consumer's own information" and "product information" is unclear, and what it means to detect if consumer intention behavior has actually been carried out on the basis of such information is also unclear.
- (6) In the construction recorded in the columns of Claims 8-10, how to actually realize it technically is unclear.
- (7) The categories of the invention relating to Claims 18-26 are unclear.
- (8) What type of technology the method referred to in Claims 18-26 actually is, is difficult to comprehend. (What meaning is there to the statement, "... method formed from a ... means"?)
- (9) What type of technology the storage medium referred to in Claims 27 - 35 actually is, is difficult to comprehend.

3. Since the items referred to in the following Claims of the present application do not satisfy the stipulations of Article 29 Section 1 of the Patent Law because of the points indicated below, a Patent cannot be granted.

Record

- (1) Since the system recorded in Claims 8-10 includes construction in which the subject of the operation is "tradesmen", it is processed on the basis of artificial determination or human will. Since the system recorded in Claims 8-10 cannot be said to be an information processing system built through cooperation between software and hardware resources, it cannot be said that information processing which uses software is practically realized using hardware resources.

- (2) Since the method and recording medium referred to in Claims 18-35 cannot be said to be an information processing system built up through cooperation between software and hardware resources, information processing accomplished through the use of software cannot be said to be practically realized using hardware resources.

In the event that further reasons for rejection are discovered in the future, you will be notified of such reasons.

Reference Citation List

1. Kobayashi, K., Knowledge of Sale Projections; Nippon Keizai Shinbun Co., Ltd.; 07/09/1993, pp. 150-154
2. Omori, S.; Event Information Distribution Method in the Internet Portal Calendar Magical; 60th Session, Information Processing Society (Year 2000, 1st half) National Conference Symposium Presentation Compilation (4), 03/14/2000, pp. 4-13 to 4-14.
3. Incorporating 10 Million Users into the EC!; Nikkei Network Business; Nikkei BP Co., 02/15/2000; No. 56, pp. 91-97.